

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1309 of 2016

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1. Udaychand Paswan son of Sri Mukhlal Paswan, resident of village
Kishtipur, P.S. Dhanarua, Dist.- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Pinki Kumari daughter of Ramashish Paswan, resident of village-
Dumrichak, P.S.- Dhanarua, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate

For the Opposite Party/s : Mr. Satyendra Nr. Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 30-01-2016

The present application has been filed for quashing the order dated 22.09.2014 passed in Maintenance Case No. 179 (M) of 2011 by the learned Additional Principal Judge, Family Court, Patna, whereby the petitioner has been directed to make payment of Rs. 25,00/- per month as interim maintenance from the date of order by 10th day of every succeeding month to opposite party no.2, the wife of the petitioner Pinki Kumari and further directed to make payment of Rs. 2,000/- in one lump sum as litigation cost.

It is submitted by the learned counsel for the petitioner that petitioner was forced to marry with opposite party no. 2. The petitioner has filed Matrimonial Suit No. 903 of 2011 for annulment of marriage.

It is submitted by the learned counsel for the

informant that the petitioner's bail bond has already been cancelled since he is not appearing before the learned court below.

In view of this Court, Section 125 Cr.P.C. proceeding is summarily in nature where for granting relief the factum of marriage has not to be conclusive proved. Prima facie the Court has to be satisfied that the claimant is the wife of petitioner. In the present case the petitioner admits the marriage, but submits that he was forced to marry and the marriage has not been annulled till date, as per the own statement of the petitioner. The legislative intent of Section 125 Cr.P.C. is to save wife from destitution and vagrancy.

In the facts and circumstances, the present application has no merit and is accordingly dismissed.

(Dinesh Kumar Singh, J)

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